

**When a Jew Sues**

By  **RABBI JONATHAN REISS**

Updated May 12, 2006 12:01 a.m. ET

Last month's passing of Satmar Grand Rabbi Moshe Teitelbaum has provoked a widely publicized dispute over which of his sons will control the Orthodox Jewish sect he led for 26 years. The Satmars trace their origins back to 18th-century Eastern Europe. Rabbi Joel Teitelbaum (Moshe's uncle) is considered the founder of the movement as it exists today. Saved from a concentration camp in 1944, he came to Brooklyn, where he rebuilt the Satmar community, which had been largely destroyed by the Holocaust. Today there are around 120,000 Satmars concentrated mostly in the Williamsburg neighborhood of Brooklyn, with some in Kiryas Joel, N.Y., Jerusalem and London, and the group allegedly has assets valued in the hundreds of millions.

Beyond the matter of who will control these assets, this dispute (which reportedly began more than seven years ago) raises a number of general questions regarding the appropriate legal system for the resolution of disputes within the Jewish community. For instance: What is the province of a rabbinical court (also known as a beit din)? Are Jewish disputants permitted to settle their differences in a secular court? Which law is applicable -- Jewish law or secular law? Who decides?

The presumptive rule is that when members of the Jewish faith have a dispute, they must submit it to a Jewish court to resolve the matter in accordance with Jewish law. Nonetheless, it takes two to tango. Let's take a simple situation of two brothers: Reuben claims that Simon robbed him out of a portion of his inheritance by forging their father's signature on a deed transferring the family summer house to himself. What recourse does Reuben have?

He first needs to summon his brother to ascertain whether he will in fact submit to beit din. If Simon says no, the beit din may issue a contempt order against him, which would typically be accompanied by official permission for Reuben to take the matter to a civil court. A beit din may also authorize Reuben to pursue emergency injunctive relief in civil court. For example, if it were alleged that Simon was about to sell the house and have the proceeds put in a Swiss bank account, the beit din could authorize Reuben to pursue the freezing of Simon's assets until an agreement has been reached by both parties to submit their dispute to the jurisdiction of a beit din.

But which beit din? There is no single institutional rabbinical court that serves the entire Jewish community in America. In New York there are at least a dozen such courts. If Simon and Reuben cannot agree on a beit din, they can request an ad hoc rabbinical court comprised of three rabbis -- one selected by each side and a third selected by the first two.

Assuming that Simon and Reuben do agree upon a beit din in which to resolve their dispute, they then enter into a binding arbitration agreement, thus vesting the rabbinical court with the powers of a secular arbitration panel. Its decisions must be enforceable, however, according to Jewish law. Thus a beit din must either comply with the requirements of secular law or arrange for the parties to waive the right to have the dispute enforced by secular law.

If they wanted to, Simon and Reuben could ask the beit din to decide their matter in accordance with local law. So if, for example, the deed was valid but the transfer of property from father to son was not properly recorded in a public registry, as required by secular law, then the beit din might find in favor of Reuben.

Interestingly, the procedures followed are not likely to be all that different for Simon and Reuben whether they go to a secular or a rabbinical court. Just as in secular court, for example, a beit din will accept the testimony of Reuben only in the presence of Simon, and vice versa.

But there are substantive issues on which a beit din may differ with a secular court. While American law is perfectly suited to resolving disputes over, say, summer houses, it does not have much to say about the legality of Jewish marriages or validity of religious conversions. And it has virtually nothing to say about the dynastic inheritance of Grand Rabbis.

Jewish law, on the other hand, has wrestled with succession from the days of the Davidic monarchy in Israel. According to some authorities, rabbinic positions of leadership are inherited by one's sons like kingship, meaning the elder gets the crown; according to others, rabbinic leadership represents the "crown of Torah," which is dependent upon merit alone.

Even according to those who maintain that the rabbinate can be inherited like kingship, some commentators say that this type of inheritance only applies if there is no strife among the sons. Thus, since King Solomon's brother also laid claim to the throne of their father, David, Solomon had to be specifically anointed by a high priest. Other commentators argue that King Solomon's anointment was window dressing meant to quell the disharmony, but that the laws of inheritance were still applicable. And so forth.

The overarching Jewish law principle in all such matters is "gadol hashalom" or, roughly translated, "peace is great." A worthwhile objective, though as the Teitelbaums and many others can attest, it's often a long time in coming.

Rabbi Reiss is the director of the Beth Din of America, one of the rabbinical courts in New York City ([www.bethdin.org](http://www.bethdin.org/)).

<http://www.wsj.com/articles/SB114740365063451074>